

Case Nos. 22-55060, 22-55587

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff-Appellee,

v.

ACTIVISION BLIZZARD, INC., BLIZZARD ENTERTAINMENT, INC.,
ACTIVISION PUBLISHING, INC., KING.COM, INC., AND DOES ONE
through TEN, inclusive,

Defendants-Appellees,

v.

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING,

Proposed Intervenor-Appellant.

On Appeal from the United States District Court
for the Central District of California
No. 2:21-CV-07682-DSF-JEM

**PROPOSED INTERVENOR-APPELLANT'S UNOPPOSED MOTION TO
DISMISS APPELLATE PROCEEDINGS AS THE RESULT OF
SETTLEMENT**

**Case Submitted June 13, 2023
Judges Bybee, Christen, and Vitaliano**

Pursuant to Circuit Rule 42(b)(2), Proposed Intervenor-Appellant the California Civil Rights Department (“CRD”) respectfully moves to dismiss both consolidated appeals, Case Nos. 22-55060, 22-55587, as the result of the settlement between CRD and Defendants-Appellees Activision Blizzard, Inc. *et al.* (“Activision Blizzard”). Plaintiff-Appellee Equal Employment Opportunity Commission (“EEOC”) and Activision Blizzard do not oppose this motion.

In these appeals, Proposed Intervenor-Appellant CRD has challenged the denial of motions to intervene, through which CRD sought to object to a consent decree entered between the EEOC and Activision Blizzard. Following full briefing, the Court (Judges Bybee, Christen, and Vitaliano) held oral argument and submitted these appeals on June 13, 2023.

On December 22, 2023, CRD moved to stay all further proceedings in these appeals as the result of the parties’ submission of a proposed consent decree to the court in *Civil Rights Department v. Activision Blizzard, Inc., et. al.*, Los Angeles Superior Court No. 21STCV26571 (the “State Action”) for approval. ECF No. 103. On December 27, 2023, this Court granted the motion to stay. ECF No. 104.

On January 17, 2024, the court in the State Action approved the consent decree. Declaration of Jahan Sagafi (“Sagafi Decl.”), ¶ 2, Ex. A. The purpose of the consent decree, in part, is to resolve the State Action as well as related litigation, including these two appeals. *Id.* ¶ 3. Accordingly, CRD agreed to seek

dismissal of these appeals within five court days of the consent decree's entry.

Sagafi Decl., Ex. B ¶ 32.

Dismissal is appropriate because the consent decree sets terms for dismissal "agreed to by the parties" and leaves no issues to be decided in these appeals. *See* Fed. R. App. P. 42(b)(2). The parties have agreed to bear their own costs and attorneys' fees for these appeals.

Dated: January 24, 2024

/s/ Jahan C. Sagafi

Jahan C. Sagafi
Outten & Golden LLP

Attorneys for Proposed Intervenor-Appellant, California Civil Rights Department

DECLARATION OF JAHAN C. SAGAFI

I, Jahan C. Sagafi, declare and state as follows:

1. I am an attorney admitted and licensed to practice before the Courts of the State of California and before this Court. I am counsel for the California Civil Rights Department (“CRD”), Proposed Intervenor-Appellant in the above-captioned action. I have personal knowledge of the facts contained herein, or know of such facts by my review of the files maintained by CRD in the normal course of its business, and if called upon to do so, could and would competently testify thereto.

2. CRD and Defendant-Appellees Activision Blizzard, Inc., Blizzard Entertainment, Inc., and Activision Publishing, Inc. (collectively, “Activision Blizzard”), recently submitted a proposed consent decree, as well as a joint stipulation seeking entry of that consent decree, in *Civil Rights Department v. Activision Blizzard, Inc., Blizzard Entertainment, Inc., and Activision Publishing, Inc., and Does One through Ten, inclusive*, Los Angeles County Superior Court Case No. 21STCV26571 (the “State Action”). On January 17, 2024, the court in the State Action signed an order entering the consent decree. A copy of the order entering the consent decree is attached as **Exhibit A** and a signed and conformed copy of the consent decree is attached as **Exhibit B**.

3. The purpose of the consent decree, in part, is to resolve the State Action as well as related litigation, including the current appeals. As a result, CRD has agreed to move to dismiss these appeals upon entry of the consent decree.

4. Before filing this motion, I contacted attorneys for Defendants-Appellees Activision Blizzard (L. Ashley Aull) and Defendant-Appellee EEOC (Jennifer Goldstein), who indicated that they do not oppose the relief sought.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 24th day of January 2024, in Oakland, California.

By: /s/ Jahan C. Sagafi
Jahan C. Sagafi

CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g), I hereby certify that this motion:

- (i) complies with the type-volume limitation of Rule 27(d)(2) because it contains 857 words; and
- (ii) complies with the typeface requirement of Rule 32(a)(5) and the type style requirements of Rule 32(a)(6).

Dated: January 24, 2024

/s/ Jahan C. Sagafi
Jahan C. Sagafi
Outten & Golden LLP

*Counsel for Proposed Intervenor-
Appellant California Civil Rights
Department*

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing motion on this date with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system, which will serve all counsel of record.

Dated: December 22, 2023

Respectfully submitted,

/s/ Jahan C. Sagafi

Jahan C. Sagafi
Outten & Golden LLP

Counsel for Proposed Intervenor-Appellant